

Appl. No.: 10/672,613
Amendment dated July 5, 2005
Reply to Office Action of April 5, 2005

REMARKS/ARGUMENTS

Reexamination and reconsideration of this Application, withdrawal of the objection, and formal notification of the allowability of all claims as now presented are earnestly solicited in light of the above claim amendments and remarks that follow.

Claims 1, 2, 12, 13, and 14 have been amended. Claims 1, 2 and 14 have been amended to more specifically define the preferred embodiments of the invention. Claims 12 and 13 have been amended to change their dependency. Claims 4, 9-11, 16, and 18-20 have been canceled. New claims 24-30 have been added. Claims 24-26 depend on claim 1. Canceled claims 4, 11, and 16 have been rewritten as independent claim 27. Claims 28-30 recite cosmetic or pharmaceutical compositions incorporating a compound according to the invention and find support in canceled claim 20. Support for the new claims can be found throughout the claims and specification as previously filed. Applicant submits no new matter has been added by the present amendments. Claims 1-3, 5-7, 12-15, and 21-30 are pending in the present application.

Claims 1, 3, 19, and 20 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,355,039 to Niedballa *et al.* In light of the cancellation of claims 19 and 20 and the present amendments to claim 1, Applicant respectfully submits the present rejection over the '039 patent is now obviated. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection.

Claims 1-3, 5, 7, and 20 stand rejected under 35 U.S.C. §102(b) as being anticipated by the abstract to Mustafa, *et al.* In light of the cancellation of claim 20 and the present amendments to claims 1 and 2, Applicant respectfully submits the present rejection over the Mustafa *et al.* abstract is obviated. In particular, Applicant notes that when R¹ is A-CONR⁵R⁶, R⁵ and R⁶ are not both simultaneously H, which removes compound RN 39908-44-6, as described in Mustafa *et al.* Neither compound RN 39908-45-7 nor compound RN 39908-46-8 are relevant to the present claims, as the present claims do not encompass compounds wherein one of R⁵ or R⁶ includes a benzyl group or a methyl substituted phenyl group, respectively. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection.

Claims 1-3, 6, and 20 stand rejected under 35 U.S.C. §102(b) as being anticipated by the abstract to Gupta *et al.* In light of the cancellation of claim 20 and the present amendments to

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claims 1 and 2, Applicant respectfully submits the present rejection over the Gupta *et al.* abstract is obviated. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection.

Claims 1-3, 9-10, 14-15, 18, and 20 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,318,984 to Billheimer *et al.* In light of the cancellation of claims 9-10, 18, and 20, and the amendments to claims 1, 2 and 14, Applicant respectfully submits the rejection over the '984 patent is obviated. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection.

Claims 4, 11-13, and 16 stand objected to as depending from a rejected base claim. Claims 4, 11, and 16 have been cancelled and the subject matter contained therein incorporated into newly added independent claim 27. Claims 12 and 13 have been amended to depend from claim 27. Accordingly, Applicant respectfully submits claims 12, 13 and 27 are in condition for immediate allowance.

Each of the references cited by the Office in the present Action was cited against claim 20, which recited a cosmetic or pharmaceutical composition comprising at least one compound as claimed in claim 1. While claim 20 has been cancelled, newly added claims 28 and 29 are directed to a cosmetic composition comprising one or more compounds of the invention. Further, claim 30 is directed to a cosmetic or pharmaceutical composition comprising one or more compounds of the invention. Applicant respectfully submits that the cancellation of claim 20 is only as a matter of convenience so the subject matter thereof could be rewritten as multiple independent claims and should in no way be interpreted as acquiescence to the rejections.

In fact, Applicant respectfully points out that none of the cited references teach or suggest cosmetic compositions as presently claimed, incorporating one or more cosmetically acceptable additives and one or more compounds according to the invention. In particular, neither Mustafa *et al.* nor Gupta *et al.* include any teaching or suggestion that the compounds disclosed therein are suitable for use in a cosmetic composition. Further, the Office has failed to point to any specific portion of the '039 patent or the '984 patent that teaches or suggests cosmetic compositions incorporating the compounds disclosed therein.

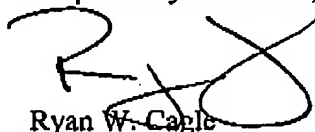
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Similarly, neither Mustafa *et al.* nor Gupta *et al.* include any teaching or suggestion that the compounds disclosed therein have any pharmaceutical activity or are suitable for use in a pharmaceutical composition. Further, neither the '039 patent nor the '984 patent discloses any compounds that teach or suggest the compounds included in the cosmetic or pharmaceutical composition presently recited in newly added claim 30. Accordingly, Applicant respectfully submits that none of the recited references are proper references for citation as prior art against newly added claims 28-30.

Applicant respectfully submits that all claims as now submitted are now in condition for immediate allowance. Accordingly, a Notice of Allowance is respectfully requested in due course. If any minor formalities need to be addressed, the Examiner is directed to contact the undersigned attorney by telephone to facilitate prosecution of this case.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



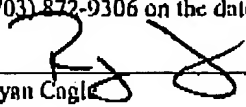
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Ryan Cagle

Date 7/5/05